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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No.: CR 05-00518 WHA
)	
Plaintiff,)	PARTIES' STIPULATION AND
)	[PROPOSED] ORDER CONTINUING
v.)	STATUS HEARING EXCLUDING TIME
)	
LARRY BROWN,)	
)	
Defendant.)	
)	
)	
)	

The parties stipulate and agree, and the Court finds and holds, as follows:

1. The parties appeared on the instant matter on October 4, 2005.
2. Assistant Federal Public Defender Ronald Tyler, who represents the defendant, requested additional time to conduct a factual investigation to determine whether a suppression motion would be appropriate. Accordingly, the Court set a deadline of October 25, 2005 for the filing of all defense motions. Defense counsel moved that this same time period be excluded from the calculation of time under the Speedy Trial Act to allow for adequate preparation of counsel.
4. In light of the foregoing facts, the failure to grant the requested exclusion would unreasonably deny counsel for the defense the reasonable time necessary for effective

preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(A),
(B)(iv). The ends of justice would be served by the Court excluding the proposed time period.
These ends outweigh the best interest of the public and the defendant in a speedy trial. See id. §
3161(h)(8)(A).

5. For the reasons stated, the time period from October 4, 2005 until October 25, 2005 shall
be excluded from the calculation of time under the Speedy Trial Act.

SO STIPULATED.

DATED: 10/4/05

Respectfully Submitted,

/s/
MICHELLE MORGAN-KELLY
Assistant United States Attorney

DATED: 10/6/07

/s/
RONALD TYLER
Counsel for Defendant Larry Brown

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: October 13, 2005


HON. WILLIAM H. ALESUP
United States District Court Judge

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the office of the United States Attorney, Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned certifies that she caused copies of

**PARTIES' STIPULATION AND [PROPOSED] ORDER
CONTINUING STATUS HEARING**

in the case of **UNITED STATES V. LARRY BROWN, CR 05-00518 WHA** to be served on the parties in this action, by placing a true copy thereof in a sealed envelope, addressed as follows which is the last known address:

**Ron Tyler
Assistant Federal Public Defender
450 Golden Gate Avenue, 19th Floor
San Francisco, CA 94102**

X (By Personal Service), I caused such envelope to be delivered by hand to the person or offices of each addressee(s) above.

____ (By Facsimile), I caused each such document to be sent by Facsimile to the person or offices of each addressee(s) above.

____ (By Mail), I caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at San Francisco, California.

____ (By Fed Ex), I caused each such envelope to be delivered by FED EX to the address listed above.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 7, 2005

/s/
RAWATY YIM
United States Attorney's Office